

RESUME OF ERIC N. KNIFFIN

**ERIC N. KNIFFIN**

719-212-4391

eric@kniffin.law

*Scholar; Experienced Trial and Appellate Litigator; Counsel to Religious Institutions*

**EXPERIENCE**

**ETHICS AND PUBLIC POLICY CENTER, FELLOW** (2023 - present)

- Writing and speaking on public policy and religious liberty
- Developing proposals and strategy to protect and strengthen religious liberty as part of EPPC's HHS Accountability Project
- Directing think tank's *amicus* advocacy efforts

**KNIFFIN LAW, PLLC, PRINCIPAL** (2023 - present)

- National expert on helping religious organizations understand and maximize their religious liberty protections
- Representing clients in high-profile religious liberty cases

**LEWIS ROCA, PARTNER** (2014 - 2023)

- Represented clients in trial and appellate courts, including nationwide litigation challenging HHS contraception and transgender services mandates
- Advised religious organizations on strategies to deter and defend against lawsuits and enforcement actions

**THE BECKET FUND FOR RELIGIOUS LIBERTY, LEGAL COUNSEL** (2009 - 2014)

- Represented clients in high-profile religious liberty cases at trial, on appeal, and before the United States Supreme Court

**UNITED STATES DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION** (2005 - 2009)

- Conducted investigations and litigation to enforce the Fair Housing Act, RLUIPA, and CRIPA
- Successfully represented the United States in three appeals before the Ninth Circuit Court of Appeals

**THE HON. THERESA L. SPRINGMANN, U.S. DIST. CT., N.D. INDIANA** (2003 - 2005)  
Judicial Clerk

**EDUCATION**

**UNIVERSITY OF NOTRE DAME LAW SCHOOL, J.D., *cum laude*** (2003)

Dean's List; Dean's Award

*Notre Dame Journal of Law, Ethics & Public Policy*, Solicitation Editor

**GORDON-CONWELL THEOLOGICAL SEMINARY, M.A., Theology, *cum laude*** (2000)

Teaching Assistant, Philosophy

Additional coursework at Harvard University

**WHEATON COLLEGE (IL), B.A., Philosophy, *cum laude*** (1998)

Dean's list; Varsity Baseball; Dorm President

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**REPRESENTATIVE LITIGATION**

**SUPREME COURT**

*Hosanna-Tabor v. E.E.O.C.*, 132 S. Ct. 694 (2012)

Helped draft merits brief in unanimous decision affirming First Amendment ministerial exception

*Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014)

Helped draft merits brief in victory upholding rights of for-profit religious employers under Religious Freedom Restoration Act

**COURTS OF APPEALS**

*Moss, Freedom From Religion Foundation v. Spartanburg Cty. Sch. Dist. No. 7*, 683 F.3d 599 (4th Cir. 2012)

Directed discovery and helped draft merits brief in victory upholding district policy in Establishment Clause case of first impression

*Singh v. Holder*, 301 F. App'x 676 (9th Cir. 2008)

Successfully represented United States in case interpreting the Convention Against Torture

**TRIAL COURTS**

*Nick Rolovich v. Washington State Univ.* (E.D. Wash., No. 2:22-cv-319)

Representing former WSU head football coach who was terminated “for cause” after asserting religious objection to Governor’s vaccine mandate

*Stormans Inc. v. Selecky*, 844 F. Supp. 2d 1172 (W.D. Wash. 2012)

Served as co-counsel in two-week bench trial resulting in favorable free exercise ruling for religious pharmacy and pharmacists

*Catholic Benefits Association v. Burwell*, 24 F. Supp. 3d 1094 (W.D. Okla. 2014)

Secured permanent injunctive relief for hundreds of Catholic employers from HHS contraception mandate

*United States v. Donald Sterling, et al.*, 2:06-cv-48805 (C.D. Cal.)

Directed electronic discovery, conducted investigations and depositions, co-authored briefing, culminating in section’s largest-ever settlement in a housing discrimination matter

**AMICUS ADVOCACY**

Brief for the Ethics and Public Policy Center as *Amici Curiae*, *Mahmoud v. McKnight* (No. 23-1890, Fourth Circuit Court of Appeals).

Brief for the United States Conference of Catholic Bishops *et al.* as *Amici Curiae*, *303 Creative v. Elenis*, 243 S. Ct. 2298 (2023).

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Brief for the United States Conference of Catholic Bishops and Pennsylvania Catholic Conference as *Amici Curiae*, *Fulton v. City of Philadelphia*, 141 S. Ct. 1868 (2021).

Brief for the Knights of Columbus as *Amicus Curiae*, *Little Sisters of the Poor v. Pennsylvania*, 140 S. Ct. 2367 (2020).

## PRE-LITIGATION CONSULTATIONS

### MISSION AUDITS

Leading targeted and institution-wise projects to help religious institutions understand their legal exposure and improve their religious liberty defenses in the face of hostile legal and cultural developments

### CLERGY COMMUNICATION PRIVILEGE LITIGATION

National expert on legality of state efforts to infringe on the longstanding clergy communications privilege;  
Representing and advising bishops and Catholic conferences in efforts to defeat proposed legislation that would invade this privilege.

### SEXUAL ABUSE INVESTIGATIONS

Developing constitutional and statutory defenses for Catholic dioceses anticipating and responding to grand jury and attorney general investigations.

## REPRESENTATIVE PUBLICATIONS

- Eric Kniffin, *Attacks on the Seal of the Confessional*, First Things, March 30, 2023.
- Eric Kniffin, *Federal Departments Propose New Regulations for Contraceptive Services Mandate*, Federalist Society, March 29, 2023.
- Eric Kniffin, *Beyond the Headlines: What recent Supreme Court cases say about religious liberty's future*, Influence Magazine, Oct. 2020.
- Eric Kniffin, *The threadbare case against Little Sisters of the Poor: The administration's argument misrepresents Congress' intent*, Washington Times, May 10, 2016.
- Eric Kniffin, *Protecting Your Right to Serve: How Religious Ministries Can Meet New Challenges without Changing Their Witness*, The Heritage Foundation, Nov. 9, 2015.
- Eric Kniffin, *Are American Muslims Entitled to the Same Free Exercise Rights as Other Americans?*, The Huffington Post, May 26, 2011.

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**REPRESENTATIVE PRESENTATIONS**

- “Lisencephaly, Public Policy, and the Truth of the Human Person,” de Nicola Center for Ethics and Culture, Univ. of Notre Dame (Nov. 2023).
- “Racial Reconciliation, Mask Mandates, and Preferred Pronouns: The Use and Misuse of Religious Exemptions and the Future of Religious Liberty,” Converge, Global Christian School Leadership Summit (March 10, 2022).
- “Assaults Against the First Amendment and Free Exercise Clause and the Pursuit of Justice in the Church,” Canon Law Society of America, 83<sup>rd</sup> Annual Convention (Oct. 2021).
- “Recent Developments in Religious Liberty Litigation,” Catholic Bar Association, Annual Convention (Oct. 2019).
- “Strategies & Solutions Workshop: Addressing the Crisis in Middle America,” The Heritage Foundation (May 2017).
- “Protecting Public Protecting your right to serve: How religious ministries can meet new challenges without changing their witness,” Common Ground Christian Network (Oct. 2015).
- “Engaging Cultural Questions about Sexual Identity: Theological, Relational, and Practical Issues for Churches and Ministries,” Institute of Theology and Public Life, Reformed Theological Seminary (June 2015).

**BAR ADMISSIONS**

Colorado, District of Columbia, Illinois; United States Supreme Court; Various Federal Courts of Appeals and District Courts

*Updated November 2023*